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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/330,274	06/11/1999	LUIS VALENTE	LIBE0013	9225

26291 7590 12/16/2003

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EXAMINER

CALLAHAN, PAUL E

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 12/16/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment	Application No.	Applicant(s)	
	09/330,274	VALENTE, LUIS	
	Examiner	Art Unit	
	Paul E. Callahan	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 12-20-03.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☒ A reply was received on 16 September 2003 but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

See Continuation Sheet

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Item 7 - Other reasons for holding abandonment: The amendment filed 9/16/2003 cancelling all claims drawn to the elected invention (election by original presentation) and presenting only claims drawn to a non-elected invention, is non-responsive (MPEP 821.03). The remaining claims are not readable on the elected invention because of the following reasons:

As per originally presented claim 1: the claim is directed towards a method, including the steps of sending a first certificate including security information regarding at least a second entity and including information authenticating a second certificate from a second entity; and sending said second certificate from said second entity; whereby a recipient of said first certificate and said second certificate can authenticate from information therein a first set of security information to associate with said first entity and a second set of security information to associate with said second entity.

Newly presented claim 1 is directed towards a method of securing an end user's computer system, and includes newly presented limitations not found in claim 1 as originally presented of:

- storing a software provider's root security information object in the end user's computer system;
- generating an end user's root security information object based on the software provider root security information object;
- receiving security information from a higher level entity;
- updating the the end user's root security information object based on validated security information;
- use of the end user root security information object to determine entities the end user can trust;
- the end user's computer system refuses information from an entity that is not included in the end user's root security information object.

The newly present claim 1 is directed towards a different invention than is originally present claim 1.

The claims are distinct from one another as per MPEP Sec. 806.05c as subcombination (original claim 1) not essential to a combination (claim 1 as amended). Here, the combination does not set forth the details of the subcombination of transmission of a first certificate, a second certificate, or information associated with the first certificate authenticating a second. The term "root security information object" as is used in the art of Cryptography, contemplates other objects in addition to digital certificates

The subcombination has a separate utility from the combination since the combination is directed towards storage of a software provider's root security information at an end user's computer, and is directed towards refusal to accept information by and end user where the information is being sent by a third party not listed in the software provider's root security information. The subcombination is not restricted to a software provider and end user as entities and is not directed towards refusal of information. Therefore the subcombination has a utility by itself and is separately patentable.


The Applicant failed to advance any arguments in the present amendment asserting that the present, amended claims are drawn to the same inventions as elected by original presentation of the original claims.

Originally presented claim 9 was found to be directed towards non-statutory subject matter in the previous Office Action in the case.

The present Amendment, received 9-16-03, is the second reply received in response to the Office Action mailed 12-20-02. The first reply was received 3-21-03 and was found to be non-responsive under MPEP 821.03 for the same reasons as the present Amendment. Therefore the present, second reply must be considered as deliberately non-responsive. As per MPEP 821.03 no time period to perfect the response is appropriate and the application is held as abandoned.

Paul Callahan

12-9-03


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